

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUAN MORGAN,)	
Plaintiff,)	
)	
v.)	Civ. No.: 05-989(RCL)
)	ECF
MIKE JOHANNNS,)	
Secretary, Dept. of Agriculture,)	
)	
Defendant.)	
_____)	

**DEFENDANT’S CONSENT MOTION TO AMEND
THE SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 6(b), Defendant Mike Johannns, Secretary, U.S. Department of Agriculture, in his official capacity, respectfully requests that the Court amend the March 13, 2006 Scheduling Order (Dkt. No. 15) by extending all deadlines by 60 days. Pursuant to Local Rule 7(m), the undersigned conferred with Plaintiff’s counsel (Mr. John McHugh) and counsel consented to this motion.¹

There is good cause to grant this Motion. On September 11, 2006, with Plaintiff’s consent, Defendant moved for an extension of time until November 11, 2006, to complete discovery.² In that motion, Defendant explained that the extension was needed because Plaintiff’s health and financial difficulties prevented him from traveling from Panama City,

¹ Although Plaintiff Juan Morgan is proceeding *pro se* in this case, Mr. John McHugh (an attorney) is advising Mr. Morgan on this litigation. Mr. McHugh is not admitted in this jurisdiction and, therefore, has not filed a notice of appearance in the case. Apparently, Mr. Morgan is still looking for an attorney to represent him in this case.

² To date, the Court has not ruled on the Motion.

Panama, to Washington, D.C., for his deposition. Therefore, the parties needed additional time to work out a mutually agreed upon date and method of deposition. Defendant also indicated that the extension would also allow the parties to engage in informal settlement discussions. In fact, Plaintiff recently communicated to Defendant his settlement demand and Defendant will respond to the demand shortly.

At present, under the Court's March 13, 2006 Scheduling Order, dispositive motions are due on October 10, 2006, Oppositions are due on November 10, 2006, and Replies are due on November 24, 2006. Given the fact that Mr. Morgan is still searching for an attorney to represent him in this litigation and that the parties have only just begun informal settlements discussions, the Court should extend all deadlines by sixty days to allow the parties an opportunity to engage in meaningful discussions to resolve this case without further litigation. Furthermore, this extension would allow Mr. Morgan an opportunity to find a lawyer.

For these reasons, the Court should amend the Scheduling Order as follows:

Events	Current Deadlines	Proposed Deadlines
Discovery	September 11, 2006	November 11, 2006 ³
Dispositive Motions	October 10, 2006	December 10, 2006
Oppositions	November 10, 2006	January 11, 2007
Replies	November 24, 2006	February 23, 2006

Dated: October 6, 2006.

Respectfully Submitted,

/s/ Jeffrey A. Taylor
JEFFREY A. TAYLOR, D.C. BAR # 498610
United States Attorney

³ This proposed deadline is the subject of Defendant's Consent Motion to Complete Discovery (Dkt. No. 16).

/s/ Rudolph Contreras
RUDOLPH CONTRERAS, D.C. BAR #434122
Assistant United States Attorney

/s/ John C. Truong
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Attorneys for Defendant

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Defendant.)	
_____)	

ORDER

Upon consideration of Defendant's Consent Motion to Amend Scheduling Order and the entire record herein, it is this _____ day of _____, 200_,

ORDERED that Defendant's Consent Motion to Amend Scheduling Order be and is hereby GRANTED; and it is

FURTHER ORDERED that the Scheduling Order be and is hereby AMENDED as follows:

Events	Deadlines
Discovery	November 11, 2006
Dispositive Motions	December 10, 2006
Oppositions	January 11, 2007
Replies	February 23, 2006

SO ORDERED.

U.S. District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 6, 2006, service of the foregoing
Defendant's Consent Motion to Amend Scheduling Order was made via the Court's Electronic
Case Filing System and by first class, postage prepaid mail to *pro se* plaintiff and his counsel
addressed as follows:

Juan Morgan
Pro se Plaintiff
PSC 2, Box 2814
APO AA 34002

John F. McHugh, Esq.
6 Water Street
New York City, NY 10004

/s/
JOHN C. TRUONG
Assistant United States Attorney